

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

GEORGE C. SMITHERMAN, LESA M. SMITHERMAN,  
AND PEARL SMITHERMAN

COMPLAINANTS

VERSUS

NO. 07-05-0885

WELLS FARGO, BANK OF MINNESOTA N.A. as Trustee  
for the certificate holders of Bear Stears Asset Backed  
Securities, Inc., asset backed certificates series 2002-2 and  
BANK ONE, NATIONAL ASSOCIATION, as Trustee f/k/a  
The First National Bank of Chicago

DEFENDANTS

FINAL DECREE

The Complainants, George C. Smitherman, Lesa M. Smitherman and Pearl Smitherman  
(the "Smithermans") having sought relief and the Court having considered the matter finds as  
follows:

1. That Complainants, George C. Smitherman and Lesa M. Smitherman, are adult  
resident citizens Marshall County, Mississippi who reside at 870 Red Banks Road North,  
Byhalia, Mississippi.
2. That Complainant Pearl Smitherman is an adult resident citizen of DeSoto  
County, Mississippi who resides at 7691 Highway 178 in Olive Branch, Mississippi.
3. That the Defendant WELLS FARGO, BANK OF MINNESOTA N.A. as Trustee  
for the certificate holders of Bear Stears Asset Backed Securities, Inc., asset backed certificates  
series 2002-2 is a banking association incorporated under the laws of the United States of  
America and that service has been properly served on this Defendant as evidenced by the Return  
of Summons of record.
4. That the Defendant BANK ONE, NATIONAL ASSOCIATION, as Trustee f/k/a

**FILED**

**JUN 18 2007**

W E DAVIS, CLERK

The First National Bank of Chicago is an Ohio Corporation and that service has been properly served on this Defendant as evidenced by the Return of Summons of record.

5. That the property related to this action is described as follows:

Beginning at an iron pin in the South line of U. S. Highway 78, said point being the Northwest corner of the L. C. Simmons five (5) acre tract and 1820.7 feet Northwest of the East line of Section 20 as measured along the South Line of said Highway; thence Southwestwardly along Simmon's West line making an interior angle of 104 degrees 48 minutes a distance of 510 feet to an iron pin; thence Northwestwardly and parallel to said Highway 176.7 feet to an iron pin; thence Northeastwardly and parallel to Simmons' west line 510 feet to an iron pin in the South line of said Highway; thence Southwestwardly 176.7 feet to the point of beginning, containing 2 acres of land and being part of the Southeast Quarter of Section 20, Township 1 South, Range 6 West in DeSoto County, Mississippi.

6. That pursuant to Section 11-17-35 of the Mississippi Code of 1972, Annotated, Complainants have deraigned title in their Bill of Complaint, tracing their ownership of the property and identifying the Substitute Trustee Deeds in issue which have created a cloud on their title.

7. That a foreclosure sale was attempted on May 27, 2003 for the property which was ineffective due to an erroneous legal description. Two calls which should have been "southwestwardly" were published and used in the attempted substitute trustee deeds as "southestwardly."

8. That following said ineffective foreclosure, a Substitute Trustee's Deed from Priority Trustee Services of Mississippi, LLC to Bank One National Association, as Trustee f/k/a The First National Bank of Chicago, as trustee, dated May 27, 2003 was recorded June 2, 2003 at Book 445, Page 224 and a Corrective Substitute Trustee's Deed from Priority Trustee Services of Mississippi, LLC to Wells Fargo, Bank of Minnesota, NA as Trustee for Certificate Holders of

Bear Stearns Asset Backed Securities, Inc., Asset-Backed Certificates, Series 2002-2, dated May 27, 2003 was recorded on June 19, 2003 at Book 446, Page 579.

9. That any alleged outstanding interest in the property by BANK ONE, NA or WELLS FARGO, BANK OF MINNESOTA, NA has to this point created a cloud upon Complainants title.

10. That based on the failure of either BANK ONE, NA OR WELLS FARGO, BANK OF MINNESOTA, NA to respond to the Bill of Complaint filed in this action, each is in default. Therefore, because of the defendants' failure to respond and the erroneous legal description used to attempt foreclosure proceedings, the Court hereby strikes the two Substitute Trustees Deeds currently of record at Book 445, Page 24 and Book 446, Page 579 from the land records of DeSoto County Mississippi. This Order shall be immediately spread upon said land records.

SO ORDERED this the 18<sup>th</sup> day of June 2007.

Jackie B. Cobb  
CHANCELLOR

Prepared by:

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STATE OF MISSISSIPPI, COUNTY OF DESOTO  
I HEREBY CERTIFY that the above and foregoing is  
a true copy of the original filed in this office.  
This the 18<sup>th</sup> day of June, 2007  
W.E. Davis, Clerk of the chancery court  
By J. Davis D.C.